

Selena Alicia Coronado,	)	No. CV04-1947-PHX-DGC
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Dora Schriro, et al.,	)	
	)	
Defendants.	)	

Defendants cannot seek relief from the order under 28 U.S.C. § 636(b)(1)(C), a provision that applies to findings and recommendations prepared by the Magistrate Judge and submitted to the Court. The scheduling order does not constitute such findings and recommendations. If relief is to be sought from the scheduling order, it must be sought under § 636(b)(1)(A), which permits magistrate judges to rule on certain pretrial matters and provides that the Court “may reconsider any pretrial matter under this subparagraph (A)

1 where it has been shown that the magistrate judge's order is clearly erroneous or contrary  
2 to law."

3 Defendants contend that the scheduling order is inconsistent with scheduling  
4 orders in other cases and places an unfair burden on Defendants. They do not argue that  
5 the order is clearly erroneous or contrary to law, as required by the statute. Because  
6 Defendants have not sought relief under the proper statutory provision, do not address  
7 the proper legal standard, and have not shown that the scheduling order violates that legal  
8 standard, the Court will deny relief.

9 **IT IS ORDERED** that Defendants' Objections to Portions of Magistrate's July 22,  
10 2005 Scheduling Order (Doc. #14) is **denied**.

11 DATED this 24<sup>th</sup> day of January, 2006.

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15 \_\_\_\_\_ David G. Campbell  
16 United States District Judge  
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